

Amendment Under 37 C.F.R. §1.111
Application No. 10/568,615
Attorney Docket No. 062125

REMARKS

Claims 1-3 and 5-14 are currently pending. Claims 8 and 9 have been amended for clarity to provide antecedent basis for the terms therein. Applicants' specification has been amended to use headers as by the USPTO. See MPEP 608.01(a).

I. The Rejection under 35 U.S.C. § 103(a)

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over: WO 03/074611 (WO '611) and Tanaka et al (US 7,115,320) in view of Ullmann's Encyclopedia of Industrial Chemistry (Ullmann's).

The Examiner states that Tanaka et al (US 7,115,320) is relied upon as an English translation of WO '611. To be clear on the record, Tanaka et al (US 7,115,320) is not available as prior art against the instant application. Therefore, Applicants consider the instant rejection to be based on WO '611 and Ullmann's.

WO '611 is available as prior art as of its publication date, September 12, 2003. WO '611 is not available as prior art as of its PCT filing date because it is not published in English. 35 U.S.C. §102(e)(2). See also MPEP 706.02(0)(1).

Applicants' foreign priority document JP2003-295631 has a foreign filing date of August 19, 2003, which is earlier than the effective date of WO '611 as a reference.

Enclosed is a sworn translation of the claims of Applicants' foreign priority document JP2003-295631.

In view of the above, Applicants request that the rejection under 35 U.S.C. §103 based on WO '611 be withdrawn.

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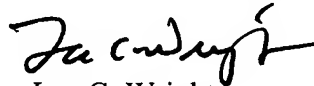
II. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejection under 35 U.S.C. §103 be reconsidered and withdrawn.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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